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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ruben GARCIA-Chavarria

Defendant.

Magistrate Case No.

08 JUL -8 11:00

ECU

08 MJ 2075

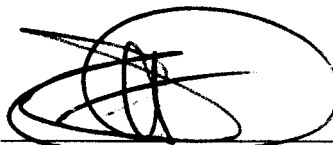
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **April 18, 2008**, within the Southern District of California, defendant, **Ruben GARCIA-Chavarria**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Deportation Officer, Lisette Guzman
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **8th** DAY OF **JULY, 2008**.



UNITED STATES MAGISTRATE JUDGE

Tm

PROBABLE CAUSE STATEMENT

On April 18, 2008, a Border Patrol agent arrested defendant, **Ruben GARCIA-Chavarria** near the Chula Vista Border Patrol Station for Illegal Entry. The defendant was found to have a warrant for a parole violation on a Grand Theft conviction from Los Angeles, California and was booked into San Diego County jail, whereupon a Border Patrol Agent placed a detainer on Form I-247 on April 18, 2008.

On July 7, 2008, the defendant was referred to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, California. Immigration computer database records' checks and a review of the defendant's Alien Registration File identified him as a national of Mexico having been previously deported from the United States to Mexico. The defendant was most recently ordered deported from the United States by an Immigration Judge on or about September 23, 2005, and removed to Mexico on September 28, 2005, via the San Ysidro, CA Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Ruben GARCIA-Chavarria, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.



SIGNATURE OF COMPLAINANT
Deportation Officer, Lisette Guzman
Immigration & Customs Enforcement

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UNITED STATES MAGISTRATE JUDGE